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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/720,537
Filing Date: June 27, 2001
Appellant(s): EGUCHI ET AL.

Bradley D. Lytle
Surinder Sachar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 16, 2009 appealing from the Office action mailed May 14, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims **15-30** appears on pages 14-20 of the Appendix to the appellant's brief. The minor errors are as follows:

The preamble of claim **15** recites "An information processing apparatus including" and should recite "An information processing apparatus comprising." That is, the word "including" should be "comprising", as shown in the last draft of the amended claims filed 3/02/2009.

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The preamble of claim **27** recites “A tangible computer readable medium configured to control a computer to execute an information processing method (specification at page 56, lines 5-13), comprising” and should recite “A tangible computer readable medium configured to control a computer to execute an information processing method comprising.” That is, the phrase “(specification at page 56, lines 5-13),” should not be in the claim, as shown in the last draft of the amended claims filed 3/02/2009.

(8) Evidence Relied Upon

US 2002/0032907	Daniels	3-2002
vCalendar Specification		1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims **27-30** are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter.

Referring to claims **27-30**, the claims are directed towards a tangible computer readable medium; however, the examiner notes that the specification defines that the medium can be the transmission medium for a program over a radio path from a downloading site through an artificial satellite for digital satellite broadcasting to the personal computer, or transmitted through a network, a local area network or Internet, so as to be stored in the enclosed hard disc in the personal computer (p. 56, paragraph 4 of Appellant’s specification). The examiner notes that

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a claim directed to a signal *per se* does not appear to be a process, machine, manufacture, or composition of matter. See **MPEP 2106.01** for guidance.

2. Claims **15, 16, 19, 20, 23, 24, 27, 28** are rejected under 35 U.S.C. 102(e) as being anticipated by Daniels.

Referring to claims **15, 16, 19, 20, 23, 24, 27, and 28**, Daniels discloses an information processing apparatus/method, comprising a server configured to store a program table simultaneously displaying a plurality of programs with additional request buttons for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program (p. 14, paragraphs 144, 145; p. 15, paragraphs 146, 150-152; & Figs. 19, 23-25); the server further configured to allow a user to select programs on the program table by selecting one of the respective request buttons for record reservation data on the program table corresponding to a respective program, the user accessing the server from a remote device through a network; and the server further configured to transmit the generated record reservation data to the remote device of the user upon the user selecting at least one of the additional request buttons for record reservation data in the program table, and based on the user selections of the at least one of the additional request buttons for record reservation data in the program table, the transmitted record reservation data for controlling the recording of a picture at the user remote device, and including data for specifying a channel, data indicating the date and time for starting the recording, and data

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(duration data) indicating the date and time for terminating the recording to a picture recording apparatus (p. 3, paragraphs 24, 25; p. 13, paragraphs 130, 131, 133-136; p. 14, paragraphs 140-146; p. 15, paragraphs 146, 150, 151; p. 17, paragraphs 165-168; & Figs. 7-11, 15-19, 23-26, 36, 37-41).

3. Claims **17, 18, 21, 22, 25, 26, 29, 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of vCalendar Specification, v0.4.

Referring to claims **17, 21, 25, and 29**, Daniels discloses the information processing apparatus/method according to claims 15, 19, 23, and 27, respectively. Daniels also discloses that a calendar scheduling application is operated depending on VCR control information (p. 13, paragraph 136). Daniels further discloses that VCR control information can be updated via email (p. 14, paragraph 140). Daniels does not disclose that the transmitted data is data of a v-calendar system. vCalendar specification, v0.4 discloses the use of the vCalendar format in point-to-point communication (p. 1, paragraph 4), where vCalendar data streams are created with a vCalendar Writer and are read with a vCalendar reader (p. 1, paragraph 6). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Daniels to include the use of a vCalendar format, such as that taught by vCalendar Specification, v0.4 in order to collect and communicate PDI information across e-mail (p. 1, paragraph 2).

Referring to claims **18, 22, 26, and 30**, the combination of Daniels and vCalendar specification, v0.4 teach the information processing apparatus according to claims 15, 19, 23, and 27, respectively, wherein the transmitted data comprises text data including the information specifying the date and time of starting the recording, the recording start date and time specifying

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information being stated next to the information indicating the start of the recording reservation data “BEGIN:VCALENDAR” (vCalendar Specification v0.4 p. 5, 2.2.1), “DTSTART:” (vCalendar Specification v0.4 p. 6, 2.1.2), the information specifying the date and time of end of recording, the recording end date and time specifying information being stated next to “DTEND:” (vCalendar Specification v0.4 p. 23, paragraph 2.3.11), the information specifying a channel for recording, the channel specifying information being stated next to “LOCATION:” (vCalendar Specification v0.4 p. 24, 2.3.15), the name of a program for recording, recorded next to “DESCRIPTION:” (vCalendar Specification v0.4 p. 6, 2.1.3) , and the information “END:VCALENDAR” (vCalendar Specification v0.4 p. 5, 2.2.1) indicating the end of the recording reservation data.

(10) Response to Argument

Argument 1: Claims 27-30 are statutory under 35 U.S.C. § 101

Regarding claims **27-30**, the appellant argues that the specification at page 56, lines 5-13 clearly sets forth a tangible computer readable medium and that the claims have been amended to be directed to such a tangible computer readable medium and not the signal noted in the specification at page 56, fourth paragraph that the Office Action relies upon. Appellant further argues that the outstanding rejection under 35 U.S.C. § 101 is improper as it ignores the limitations introduced into claims 27-30 and attempts to read claims 27-30 on a disclosure to which the claimed features are not directed. The examiner respectfully disagrees. The examiner notes that the word “tangible” means “real or actual, rather than imaginary or visionary.” Page

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56, lines 5-13 recite that “[t]he program can be furnished in a pre-installed state on a hard disc 302, as a recording medium enclosed in a personal computer 301, corresponding to a hard disc enclosed in the hard disc drive 31 of Fig.3, or in a pre-installed state on a semiconductor memory 303, as shown in Fig.29A.” The examiner fails to find a recitation of a tangible computer readable medium in the language of the cited portion of the specification. The fourth paragraph of page 56 recites that “the program can be transmitted over a radio path from a downloading site 321 through an artificial satellite 322 for digital satellite broadcasting to the personal computer 301, or transmitted through a network 331, a local area network or Internet, so as to be stored in the enclosed hard disc 302 in the personal computer 301, as shown in Fig.29.” The following sentence states that “[t]he meaning of the medium in the specification is to be construed broadly to comprise all these mediums.” As such, the examiner interprets the radio path to be a tangible medium, as currently amended. The examiner further notes that Appellant’s specification fails to distinguish tangible media from intangible media. The examiner further notes that a claim directed to a signal *per se* does not appear to be a process, machine, manufacture, or composition of matter. See **MPEP 2106.01** or guidance.

Argument 2: The rejection of claims 15, 16, 19, 20, 23, 24, 27, and 28 under 35

U.S.C. § 102(e) as anticipated by Daniels is improper as those claims recite features neither taught nor suggested by Daniels

Regarding claim **15, 19, 23, and 27**, the appellant argues that Daniels does not disclose or suggest storing a program table simultaneously displaying a plurality of programs with additional respective request buttons for record reservation data, such that each displayed program has its

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own corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program. The examiner respectfully disagrees. Daniels discloses a system in which a user is provided with access to a computer network source of program information and data instructions via an Internet modem connection. Daniels further discloses multiple Web page arrangements for displaying program information for user selection. Figures 24 and 25 show a web page with a program grid that shows the station name and channel for each of the television channels available on the user's system (p. 15, paragraphs 151, 152). As shown in Figures 24 and 25, the user selects a program cell within the program grid and selects the "RECORD selected program" button to record the selected program (Figs. 24, 25). Figure 9 shows the steps involved in choosing a program to record (p. 13, paragraph 134 & Fig. 9). The examiner notes that, in order to record the desired program of Figures 24 and 25, the user has to select the cell associated with the program prior to pressing the RECORD selected program button (Figs. 24, 25). The guide would not know which program to record without selection of a program cell. As such, the examiner interprets each of these cells to be "additional request buttons for record reservation data, such that each displayed program has its own corresponding unique button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program," as currently claimed.

Daniels further discloses another Web page that is displayed when a user navigates through a "day" option of column A (Fig. 23). Column B pops up with a list of the days of the

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week. Columns C, D, and E pop up and the user makes the desired selections. Column F pops up with the program schedule information. Once the user selects a program, column G pops up with the option of recording the program with a VCR (p. 15, paragraph 150 & Fig. 23). Similar to the example noted above, here the user must select a program button from Column F before they can select to record the program (p. 15, paragraph 150 & Fig. 23). Therefore, the examiner interprets the program buttons 1-22 in Column F to be corresponding unique buttons for record reservation data, as currently claimed. That is, they are buttons for record reservation data in that they must be selected to open Column G and press Record, like that shown in the example of Guligan's Island in Figure 23 (Fig. 23).

Appellant specifically argues that the grounds for rejection are clearly improper as those buttons 1-22 in Daniels are the respective display programs themselves, and are not a unique button simultaneously displayed with the respective display program. Appellant further argues that, if buttons 1-22 in Daniels are interpreted to be the corresponding unique buttons for record reservation data simultaneously displayed with the respective displayed program, then there are no respective display program in Daniels. The examiner respectfully disagrees. Daniels discloses displaying a plurality of programs as text within cells (1)-(22) in Figure 23, or within the grid cells of Figures 24 and 25 (Figs. 23-25). Daniels also discloses that each of the cells acts as a selectable button that the user selects in order to record the program (Figs. 23-25). That is, the examiner interprets "displaying a plurality of programs" to be displaying a plurality of programs in text, such as that taught by Daniels in Figures 23-25. The examiner interprets the "each displayed program has its own corresponding unique button for record reservation data simultaneously displayed with the respective displayed program" to be the button underlying the

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program text, that is, the cell itself. Appellant argues that this does not address the claimed features in that the claims require that for each program, two different pieces of information are displayed, the name of the program and a unique button to record that program. The examiner respectfully disagrees. As shown in Figures 23 and 25, when the user selects a program cell, the entire cell is highlighted, not the text itself. The cell and the program title are not the same thing. The program title is text and the cell is a button the user selects to perform some function associated with the program text. As such, the examiner maintains that Daniels discloses “simultaneously displaying a plurality of programs with additional request buttons for record reservation data, such that each displayed program has its own corresponding unique button for record reservation data simultaneously displayed with the respective displayed program,” as currently claimed.

Appellant further argues that selecting the different program, such as “Guligan’s Island” in Daniels would not meet the limitation of “selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program.” The examiner respectfully disagrees. As noted above, both the guide of Figure 23 and the grid of Figures 24 and 25 require that the user select a program in order for the record button to determine which program to record (Figs. 23-25). That is, the functionality of the Record button in each of these Figures changes on the basis of the selected program, and the Record button requires that a program be selected in order to determine the program to record. Since the selection of the program cell is directly involved in generating the record request, the examiner interprets its selection to “directly generate recording reservation data for the corresponding displayed program,” as currently claimed. It appears that Appellant intends

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“directly” to mean without any intervening steps. This is not recited in the claims, and the examiner further notes that Appellant’s specification does not appear to disclose that they are no intervening steps between the selection of a record button and the downloading of reservation data.

Appellant still further argues that Daniels fails to disclose or suggest that the generated record reservation data will be transmitted upon the user selecting at least one of the additional request buttons for record reservation data in the program table. The examiner respectfully disagrees. Daniels discloses that, upon selecting the programs to record, control signals are downloaded to the user’s apparatus and are used to control VCR or other video recording so that program recording occurs as desired (p. 3, paragraph 25; p. 13, paragraphs 130, 131, 133-136; p. 14, paragraphs 140-146; & Figs. 7-11, 15-18). Since the user must select the program cell in order to record the desired program, the examiner interprets the transmission of control signals as occurring “upon the user selecting at least one of the selected at least one of the additional request buttons for record reservation data in the program table,” as currently claimed. As noted above, it appears Appellant intends “upon” in this case to mean without any intervening steps. This is not recited in the claims, and the examiner further notes that Appellant’s specification does not appear to disclose that they are no intervening steps between the selection of a record button and the downloading of reservation data.

Argument 3: The rejection of claims 17, 18, 21, 22, 25, 26, 29, and 30 under 35

U.S.C. § 103(a) is unpatentable over Daniels in view of the vCalendar specification is traversed

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Regarding claims **17, 18, 21, 22, 25, 26, 29, and 30**, the appellant argues that Daniels does not disclose or suggest the above-discussed features and that, as a result, the rejection based on the combination of Daniels and the vCalendar specification must be reversed. The examiner respectfully disagrees for the reasons discussed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Van Handel

/Michael Van Handel/

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